

Message Text

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PAGE 01 STATE 043229
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C O N F I D E N T I A L STATE 043229

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS

TAGS:PORG, SF, UN, UK

SUBJECT:IMPLEMENTATION OF SECURITY COUNCIL ARMS EMBARGO
ON SOUTH AFRICA

REF: LONDON 2182

1. DEPARTMENT WELCOMES UK INQUIRY REFTEL IN THAT IT
PROVIDES OPPORTUNITY TO EXCHANGE VIEWS ON THE IMPLEMEN-
TATION OF THE ARMS EMBARGO. IN VIEW OF LIKELIHOOD THAT
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PAGE 02 STATE 043229

WESTERN COUNTRIES WILL BE FACED IN FUTURE WITH
ALLEGATIONS FROM SOVIETS AND OTHERS, USING NEWLY-
CREATED "WATCHDOG COMMITTEE" AS VEHICLE, THAT WE ARE
STILL SHIPPING ARMS TO SOUTH AFRICA, IT WOULD BE USEFUL
IF WESTERN COUNTRIES FOLLOW SAME GENERAL LINE IN
INTERPRETING RESOLUTION. WE NOTE FROM REFTEL THAT UK
WAS ALSO CONSULTING OTHER EC MEMBERS ON THIS POINT

DO OTHER EC-9 MEMBERS PLAN TO RAISE THIS MATTER WITH US AS BRITISH HAVE DONE?

2. AS IN CASE OF UK, WE HAD PREVIOUSLY OBSERVED VOLUNTARY ARMS EMBARGO ON SALES OF ARMS AND RELATED MATERIAL TO SOUTH AFRICA. CONSEQUENTLY, IN TERMS OF

US REGULATIONS, PASSAGE OF RESOLUTION 418 REQUIRES NO ADDITIONAL RESTRICTIONS AS FAR AS ARMS AND RELATED MATERIAL ARE CONCERNED. ONLY PRACTICAL EFFECT HAD BEEN TERMINATION OF SALE OF SPARE PARTS FOR AIRCRAFT SOLD PRIOR TO 1962, WHICH HAD BEEN PERMITTED AS A SPECIAL EXCEPTION TO OUR VOLUNTARY EMBARGO. HOWEVER, WE ARE GOING BEYOND TERMS OF RESOLUTION BY PLACING EMBARGO ON SALES OF COMMODITIES AND TECHNICAL DATA FOR SALE TO OR USE BY OR FOR USE BY ARMED FORCES AND POLICE UNDER SOUTH AFRICAN AUTHORITY. IN VIEW THESE RESTRICTIONS, EVEN CLEARLY CIVILIAN ITEMS WILL BE EMBARGOED IF END-USER EITHER SOUTH AFRICAN MILITARY OR POLICE FORCES.

3. WITH REFERENCE TO THREE PROBLEM AREAS WHICH FCO OFFICIAL CITED (PARA 2, REFTEL), WE HAVE FOLLOWING COMMENTS:

(1) UNDER EXISTING US REGULATIONS, PRIOR USG APPROVAL IS REQUIRED FOR AGREEMENTS BETWEEN PERSONS IN US AND PERSONS IN FOREIGN COUNTRIES RELATING TO THE CONFIDENTIAL

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PAGE 03 STATE 043229

MANUFACTURE OR MAINTENANCE ABROAD OF ITEMS ON THE US MUNITIONS LIST, AND EXISTING APPROVALS MAY BE REVOKED; UNDER THIS AUTHORITY, WE HAD ALREADY BEEN WITHHOLDING APPROVAL AS A MATTER OF COURSE IN CASES OF PROSPECTIVE THIRD-COUNTRY MANUFACTURE WHERE THE SALES TERRITORY IN QUESTION WOULD INCLUDE SOUTH AFRICA;

(2) AND (3) MONITORING AND ENFORCEMENT OF SUCH RESTRICTIONS IS, OF COURSE, NOT SIMPLE, AND IT IS TRUE THAT THIRD-COUNTRY LICENSEES MIGHT COVERTLY SELL PRODUCTS TO SOUTH AFRICA REGARDLESS OF THE LIMITATIONS IN THE LICENSING ARRANGEMENTS APPROVED BY USG; HOWEVER, EVEN IF USG WERE UNABLE TO PROCEED DIRECTLY AGAINST A THIRD-COUNTRY VIOLATOR, WE WOULD BE ABLE TO DENY FURTHER APPROVALS FOR LICENSING ARRANGEMENTS OR FURTHER EXPORT LICENSES TO THE PARTY IN QUESTION, WHICH SHOULD HAVE SAME DETERRENT EFFECT; WE ASSUME HMG WOULD HAVE SIMILAR RECOURSE UNDER ITS EXPORT CONTROL REGULATIONS.

4. WE WOULD BE INTERESTED IN UK REACTION TO APPLYING EMBARGO TO CIVILIAN ITEMS FOR SOUTH AFRICAN MILITARY AND POLICE FORCES. DOES UK ENVISAGE TAKING SIMILAR STEP?

5. REVISIONS IN U.S. REGULATIONS BECAME EFFECTIVE
FEBRUARY 15.

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